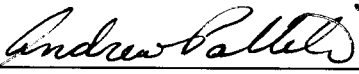


State of Vermont Agency of Human Services Department of Corrections	Title: Offender Out of State Movement and The Interstate Compact		Page 1 of 11
Chapter : Programs - Security and Supervision	# 418.01	Supersedes #418.01 dated 8/13/93, #418.02 dated 09/30/1993, and <i>Interim Temporary Travel Permits</i> dated 11/03/08.	
Attachments, Forms & Companion Documents: 1. Travel Permit 2. Law Enforcement Notification Form (Sex Offenders) 3. Caseworkers and Probation and Parole Officers must use the format authorized by the Interstate Commission for Adult Offender Supervision (ICAOS) for all communication regarding offenders between or among states. All authorized formats and rules can be found on the ICAOS Website at www.interstatecompact.org .			
Local Procedure(s) Required: Yes - Process for travel to Canada Applicability: All Staff (including volunteers and contractors) Security Level: "B"- Anyone may have access to this directive.			
Approved: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr style="width: 100%;"/> Andrew A. Pallito, Commissioner </div> <div style="text-align: center;"> <u>January 26, 2009</u> Date Signed </div> <div style="text-align: center;"> <u>February 9, 2009</u> Date Effective </div> </div>			

PURPOSE

The purpose of this administrative directive is to provide the information necessary for Vermont Department of Corrections' Caseworkers, Probation and Parole Officers, and Supervisory staff to transfer, receive, and supervise cases in compliance with the National Interstate Commission for Adult Offender Supervision (ICAOS), as well as to establish a process for offender travel outside the State of Vermont for temporary, time-limited purposes. This includes travel for offenders on Probation, Parole, and Supervised Community Sentence status. Offenders on furlough status may be granted a temporary travel permit for medical reasons or with the approval of the Field Services Executive or Assistant Field Services Executive.

POLICY

It is the policy of the Vermont Department of Corrections to adhere to ICAOS rules and procedures. It is the responsibility of Probation and Parole Officers and facility Caseworkers to keep current on ICAOS rules and to ensure they do not violate the rules, which results in better offender management and an increased level of public safety. It is the policy of the Vermont Department of Corrections to adhere to federal laws, the rules of ICAOS, and Sex Offender Registry laws in the receiving state where offenders may travel. It is also the policy of the Vermont Department of Corrections to collaborate with Canadian Authorities, the courts, and the Vermont Parole Board regarding offenders who request to travel or move to Canada.

AUTHORITY

28 V.S.A. § 1351-1364; 28 V.S.A. § 101(3); § 102(19), § 202 et seq., § 403(1), § 808, and § 1351 et seq. The Interstate Compact for the Supervision of Parolees and Probation executed by Vermont September 13, 1937; 4 U.S.C. § 112.

REFERENCE

Department of Corrections Administrative Directives #371.05 *Offender Responsibility Plan*; #418.02 *Probation and Parole Interstate Compact*; APA Rule #08016/Policy #426 *Supervision Fees for Offenders under Field Supervision by the DOC*; and #502.03 *Victim Notification - VAN*. The Interstate Commission for Adult Offender Supervision Website www.interstatecompact.org. 13 V.S.A. § 5301(7). American Correctional Association, Standards for Adult Probation and Parole Field Services, 3rd Edition, August 1998, Standards 3-3180, 3-3181, 3-3182, 3-3183, 3-3184, 3-3185, 3-3186, 3-3187, 3-3188, 3-3189, 3-3190, 3-3191, and 3-3192.

DEFINITIONS

Administrative Probation: A form of probation outlined in statute for offenders convicted of designated offenses with limited conditions of probation.

Commuting Offenders: Probation, parole, and SCS offenders who are employed in another state and travel to and return from that state each day. Their travel permits must be approved by the District Manager or designee, not to exceed 30 days.

Compact: The Interstate Compact for Adult Offender Supervision (ICAOS).

Compact Administrator: The individual in each compacting state appointed under the terms of this Compact and responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this Compact, the rules adopted by the Interstate Commission of Adult Offender Supervision, and policies adopted by the State Council under this Compact.

Compact Commissioner: The voting representative of each compacting state appointed under the terms of the Interstate Compact for Adult Offender Supervision as adopted in the member state.

Day Travel: Travel by an offender where they are out-of-state less than 12 hours and not overnight.

Furlough: (1) A period of reintegration into the community following incarceration during which the offender is participating in restorative and/or risk management programs; (2) an approved absence from a correctional facility under precise conditions (e.g., medical treatment).

Furlougee: A person in the custody of the Commissioner serving all or part of their incarcerative sentence in the community outside a correctional facility. This includes offenders on Pre-Approved Furlough (PAF), Conditional Re-entry (CR), Reintegration Furlough (RF), Treatment Furlough, Medical Furlough, and Furlough (FR).

Listed Offense(s): Criminal offenses described in 13 V.S.A. §5301 (7), characterized for the most part by violence toward persons; and those violent crimes that the Department of Corrections has determined meet the rationale that established the listed offenses.

Overnight Travel: Travel by an offender where they are out-of-state for more than 12 hours.

Parole: The release of an inmate to the community by the Parole Board before the end of the inmate's sentence, subject to conditions imposed by the Board and subject to the supervision and control of the Commissioner of Corrections.

Probable Cause Hearing: A hearing in compliance with the decisions of the U.S. Supreme Court, conducted on behalf of an offender accused of violating Interstate terms or conditions of their Parole or Probation. This hearing in Vermont is conducted by the state's Hearing Administrator.

Probation: The legal status a court may impose on a defendant that suspends all or part of the sentence and places the person in the care and custody of the Commissioner of Corrections, upon such conditions and for such time as it may prescribe, in accordance with law, or until further order of the court.

Receiving State: A state to which an offender requests transfer of supervision or is transferred.

Relocate: To remain in another state for more than 45 consecutive days in any 12-month period.

Reporting Instructions: The orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state. Reporting instructions will include place, date, and time at which the offender is directed to report in the receiving state.

Rules: Acts of the Interstate Commission, which have the force and effect of law in the compacting states, and are promulgated under the Interstate Compact for Adult Offender Supervision, and substantially affect interested parties in addition to the Interstate Commission.

Sending State: A state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the Compact and its rules.

Supervised Community Sentence (SCS): A court-imposed sentence of incarceration to be served in a community setting subject to the rules of the Commissioner of Corrections. These offenders are under the jurisdiction of the Parole Board.

Temporary Travel Permit (TTP): Authorization that allows designated and approved offenders under the supervision of the Department of Corrections to visit another state, not to exceed 30 days.

Travel Permit: The written permission granted to an offender under Department community supervision authorizing the offender to travel from one state to another.

Treatment Team: A group of Department employees, treatment providers, and/or volunteers that are convened to discuss and make case decisions.

PROCEDURAL GUIDELINES FOR THE INTERSTATE COMPACT (ICAOS)

1. What ICAOS Covers

The Vermont Department of Corrections is bound by law to comply with the rules of ICAOS (Interstate Compact). Staff who are assigned to deal with Interstate Compact cases must apply the rules as directed by the Compact. For rules and direction involving the Interstate Compact staff should refer to the ICAOS Website at www.interstatecompact.org for:

- a. Transfer of Supervision
- b. Transfer of Sex Offenders
- c. Application for Transfer
- d. Reporting Instructions
- e. Request for Transfer of Paroling Offenders

- f. Notice of Arrival and Departures
- g. Victim Notifications
- h. Supervision in a Receiving State
- i. Transfers to a Subsequent Receiving State
- j. Violation Reports
- k. Closing of Supervision
- l. Retaking of Offenders
- m. Administrative Due Process Hearing

2. Responsibilities of the Vermont Department of Corrections Interstate Compact Office

The Deputy Compact Administrator will:

- a. Provide training to Departmental staff;
- b. Provide assistance on issues and interpretation of the Compact rules;
- c. Resolve disputes between Vermont and other states;
- d. Ensure that Vermont Corrections is in compliance with the Compact;
- e. Act as the only source of communication between Vermont and the other states involving Interstate Compact cases; no other Department staff will communicate with the sending or receiving state directly.

3. Responsibilities of Field Offices

- a. District Managers or Supervisors will:
 - i. Assign cases for investigation;
 - ii. Review information sent to the Compact Office to ensure that it complies with the rules of the Compact;
 - iii. Review cases where Vermont rejects a case for transfer;
 - iv. Ensure that the administrative staff enters the information into the offender database accurately.
- b. Probation and Parole Officers will:
 - i. Comply with the rules of the Interstate Compact;
 - ii. Ensure that all communication with the other states involving Interstate Compact cases is done through the DOC Compact Office;
 - iii. Adhere to the time frames indicated by the Compact rules for all activities involving the Interstate Compact;
 - iv. Inform their Supervisor/District Manager of the need for approval for any rejection of a transfer request from a sending state.

4. Relocation: Travel Authorization under ICAOS

The Department may issue travel permits (*Attachment 1*) to offenders on probation or parole who reside in another state at the time of sentencing in accordance with the provisions of the Interstate Compact on Adult Offender Supervision (ICAOS), Rule 3.103.

If the offender is not a resident of the receiving state, then the Department shall not issue a travel permit to the offender to travel to the receiving state until the receiving state has replied to the transfer request and has issued reporting instructions.

Staff will refer to the ICAOS Website at www.interstatecompact.org for rules on issuing travel permits for relocation purposes.

Note: For Sex Offenders no travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

5. Relocation: Non-ICAOS Offenders

Offenders who do not meet criteria for transfer under ICAOS, who reside out-of-state at the time of sentencing, may be allowed to return to their home state. Offenders who request to move to another state while on supervision may move to that state. All requests to relocate to another state must have the approval of the District Manager or designee. The supervising PO will need to develop a plan with the offender to allow for long distance supervision and monitoring of the offender's conditions. All plans require supervisor approval and should be documented in case notes.

PROCEDURAL GUIDELINES FOR TEMPORARY TRAVEL AUTHORIZATION

1. Travel Authorization for Temporary Travel - Offenders on Probation, Parole, or SCS

The Probation and Parole Officer may approve temporary travel for purposes other than relocation, to offenders on probation, parole, or SCS who want to travel to another state for less than thirty (30) days. Consecutive travel permits where the offender is out-of-state for more than thirty (30) days are prohibited unless approved by the Deputy Compact Administrator, except for offenders commuting for employment, shopping, or medical purposes. All decisions around authorizing travel must be documented in case notes.

a. Requirements for Approving Temporary Travel:

- i. The offender must be on Probation, Parole, or SCS status.
- ii. The offender must be in compliance with their Offender Responsibility Plan, case plan and/or supervision contract.
- iii. The offender must be in compliance with their conditions of supervision.
- iv. The offender must be up to date with their payments toward supervision fees and restitution. The Probation and Parole Officer must verify this prior to approving travel. If the travel is for commuting for work, necessary shopping, or medical purposes, the PO may approve the travel, but will need to ensure that the offender will become compliant with their supervision fee and/or restitution requirements.
- v. The offender must not be pending any new charges or pending a violation.

b. Commuting Probation, Parole, and SCS Offenders: The Probation and Parole Officer may authorize temporary travel to offenders who are employed in another state and commute regularly for work purposes. Before approving the travel, the PO must verify the employment in the receiving state.

c. Victim Issues: If the victim(s) in the offender's case lives in the receiving state, the Probation and Parole Officer must assess any safety issues for the known victim(s) before approving travel for an offender. If the PO approves travel, they must then notify the known victim(s) who request notification in the receiving state **prior** to allowing the offender to travel.

d. Sex Offenders

- i. If the offender is convicted of any sexual offense, or if the affidavit of the underlying offense provided by the court after adjudication contains information that describes any

elements of a sexual offense, the Probation and Parole Officer must also get approval from the treatment team prior to approving travel for any purpose.

- ii. All sex offenders traveling out of state will need to be issued an approved travel permit.
 - iii. If approved, the Probation and Parole Officer will determine if the offender will need to register as a sex offender in the receiving state. If the offender has to register with the receiving state, the PO will contact the receiving state's Sex Offender Registry to get information, and will direct the offender to register in the receiving state upon arrival.
 - iv. The Probation and Parole Officer will contact the destination of travel (e.g., residence, employment) if possible to determine if it conforms to the offender's supervision conditions. If there is a concern about the offender's risk, the PO shall also use an Internet mapping service such as MapQuest to determine proximity of schools, parks, and similar locations where minors congregate.
 - v. When issuing the travel permit to the offender the Probation and Parole Officer will complete and attach the *Law Enforcement Notification Form (Attachment 2)* to the travel permit, and will order the offender to have it signed by a local law enforcement agency or State Police agency upon arrival or entry into the state.
 - vi. For sex offenders who travel out of state for work, necessary shopping, or medical reasons, the Travel Permit and Law Enforcement Notification forms may be valid for up to 30 days. The travel permit shall not be open-ended, and should have dates, times and locations that will be traveled to; for example, shopping from 8 am to 11 am every Saturday at X store.
 - vii. The Probation and Parole Officer will document the above (i.-vi.) in electronic case notes.
- e. The District Manager must get approval from the Field Services Executive or Assistant Field Services Executive when approving travel that is not in compliance with this directive.

2. Considerations for Approving Travel

The Supervising Probation and Parole Officer may approve or deny an offender's request for temporary travel after considering the circumstances of the offender and the requested travel. Consideration will include, but not be limited to, the following:

- a. Offense severity
- b. Risk level
- c. Public safety in the receiving state
- d. Length of time under supervision
- e. Criminal conviction history
- f. Compliance with conditions, including supervision and fee payment requirements
- g. Reason for the requested travel
- h. Destination of the travel
- i. Mode of transportation.
- j. Travel companions

3. Who Needs Temporary Travel Permits (TTP)

Not all approved travel requires the issuing of a travel permit (*Attachment 1*). The requirements for a travel permit will be based on the offenders' conviction and the duration of travel. Day Travel is travel by an offender where they are out-of-state less than twelve (12) hours and not overnight. Overnight Travel is travel that is longer than twelve (12) hours. All approved travel must be documented in case notes, regardless of whether a travel permit has been issued or not.

The grid below outlines when a travel permit is necessary:

	Day Travel	Overnight Travel
Non-Listed Misdemeanor	No Travel Permit Required	No Travel Permit Required
Non-Listed Felony	No Travel Permit Required	Travel Permit Required
Listed Offense	Travel Permit Required	Travel Permit Required
Sex Offenders	Travel Permit Required	Travel Permit Required

4. FURLOUGH Travel Authorization for Temporary Travel

Persons on furlough may not be approved for Temporary Travel except under the following circumstances:

- The furlougee is convicted of a **non-listed** offense, and the travel is for medical services not available in Vermont. This must be approved by the District Manager.
- The furlougee is convicted of a **listed** offense as defined in administrative directive 371.09, *Designation of Listed Offenses*, and the travel is for medical services not available in Vermont. Travel must be approved by the Field Services Executive or Assistant Field Services Executive.
- Other exceptions to the above must be approved by the Field Services Executive or the Assistant Field Services Executive, at the request of the District Manager at the office where the offender is currently being supervised.

The above criteria in section 1 above (page 5) must be followed when approving travel for furlougees. All furlougees must be issued a travel permit prior to leaving the state. All travel will be documented in electronic case notes.

If approved for travel, the offender's furlough conditions must be modified to allow for out of state travel.

5. Travel to a Foreign Country

The Department will not authorize travel outside of the United States or its territories, with the exception of Canada.

6. Travel to Canada

- Because Vermont does not have an Interstate Compact Agreement with Canada and because Canada is not subject to the Uniform Criminal Extradition Act, the Department of Corrections has no legal process to compel probationers or parolees living in Canada to return to Vermont. The Department cannot access Canadian probation and parole authorities to provide supervision of offenders on probation from VT courts. Consequently, the Department has no ability to enforce its conditions of probation or parole and has only

limited ability to provide supervision for probationers and parolees living in Canada. Caution must be exercised in granting permission to probationers and parolees to move to Canada or to return to their homes in Canada after being placed on probation or parole.

- b. Probationers or parolees who are Canadian citizens and wish to reside in Canada, must request and obtain transfer of supervision of their probation or parole to Canadian authorities pursuant to the *Treaty Between Canada and the United States of America on the Execution of Penal Sentences*, if eligible. Offenders should contact the Canadian Consulate to begin the process for transfer.
- c. The District Manager or Casework Supervisor may grant a probationer or parolee a temporary travel permit (TTP) to travel to Canada for a short-term visit with the prior written approval of Canadian authorities. In cases where short-term visits are routine occurrences (such as for commuting for work, shopping, etc.) travel permits may be granted on an ongoing basis. Each District Manager will establish a local procedure for processing requests. The TTP must state “subject to Canadian acceptance.”

7. Process for Issuing all Travel Permits

- a. All travel permits require the signature of the District Manager or supervisory designee and must be issued on an approved form (*Travel Permit, Attachment 1*).
- b. The Probation and Parole Officer must provide the offender with a copy of the travel permit, and the offender must carry it on their person at all times while traveling.
- c. The Probation and Parole Officer must place a copy of the travel permit in the offender’s file.
- d. The Probation and Parole Officer must send one copy of the travel permit to the Department Interstate Compact Unit.
- e. The Interstate Compact Unit will forward necessary copies of the travel permit to the state(s) being visited.
- f. Authorized staff will document all travel in electronic case notes, citing travel dates, destination, and reason for travel.
- g. The offender will check in as directed with authorized staff within twenty-four (24) hours after return to Vermont.

TRAINING

- a. The Deputy Compact Administrator will orient District Managers at the earliest monthly meeting upon directive approval.
- b. The Deputy Compact Administrator will supply training material to each field site as needed.
- c. HRD and the Compact Administrator will coordinate a Web conference to all applicable field staff as necessary.
- d. All applicable field staff are required to complete the on-line Interstate Compact training identified in this directive within 30 days of directive publication.

QUALITY ASSURANCE

- a. The District Manager at each site will implement quality assurance activities to ensure compliance with the procedures in this directive.
- b. The Deputy Compact Administrator or designee will review a sample of travel permits each month to determine compliance with the directive and areas of corrective action or training needed.

ATTACHMENT 1- SAMPLE**TRAVEL PERMIT**

☐ TEMPORARY ☐ OUT-OF-STATE RELOCATION
☐ TEMPORARY COMMUTING

☐ PROBATION ☐ FURLOUGH
☐ PAROLE ☐ SCS

OFFENDER NAME	ADDRESS	CITY	STATE	TELEPHONE#
---------------	---------	------	-------	------------

DATE OF BIRTH	HEIGHT	WEIGHT	COLOR OF EYES	COLOR OF HAIR	SEX	RACE
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DESTINATION	ADDRESS	CITY	STATE	TELEPHONE#
-------------	---------	------	-------	------------

RESIDE WITH (RELATIONSHIP TO YOU)	ACCOMPANIED BY (RELATIONSHIP TO YOU)	PURPOSE OF VISIT
-----------------------------------	--------------------------------------	------------------

DATE OF DEPARTURE FROM VERMONT	DATE OF RETURN TO VERMONT
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☐ BUS ☐ TRAIN ☐ AIRPLANE ☐ CAR

METHOD OF TRAVEL	AUTO MAKE	YEAR	LICENSE PLATE NUMBER
------------------	-----------	------	----------------------

OFFENSE(s)	PAST HISTORY: CRIMES AGAINST PERSONS
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VERMONT SEX OFFENDER REGISTRATION REQUIRED	<input type="checkbox"/> YES <input type="checkbox"/> NO
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OUT-OF-STATE SEX OFFENDER REGISTRATION REQUIRED	<input type="checkbox"/> YES <input type="checkbox"/> NO
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AGREEMENT

I acknowledge that I am under the supervision of the Vermont Department of Corrections and as a result, I am subject to the rules and regulations of the Department. Therefore, I agree to the following conditions:

1. I waive extradition to the State of Vermont from any jurisdiction in or outside of the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Vermont.
2. I will return to Vermont on or before the date shown above as Date Returning to Vermont.
3. If at any time during my travel I am so instructed, I will return immediately to the State of Vermont and report to my Probation & Parole Officer.
4. I will comply with the Sex Offender Registry requirement(s) for the State(s) of _____.
5. I will also obey the following *Special Instructions*: (Continue on back if necessary.)
6. Failure to comply with any of the above is a violation of the terms and conditions of my supervision, for which I may be returned to the State of Vermont and will be subject to revocation by the appointing authority.

OFFENDER SIGNATURE	DATE SIGNED
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PROBATION & PAROLE OFFICER'S SIGNATURE	DATE APPROVED
--	---------------

PROBATION & PAROLE OFFICER'S ADDRESS	TELEPHONE NUMBER
--------------------------------------	------------------

DECISION: ☐ APPROVED

☐ DENIED

SUPERVISOR SIGNATURE

DATE SIGNED

ATTACHMENT 2 - SAMPLE

LAW ENFORCEMENT NOTIFICATION FORM

(Staff put on Vermont DOC Letterhead.)

Dear Law Enforcement Professional:

OFFENDER'S NAME is on probation/parole/furlough for charges of **LIST ALL SEXUAL OFFENSE CRIMES CURRENTLY ON SUPERVISION FOR.**

He/She is required to present this letter to a law enforcement professional whenever traveling to a destination outside of Vermont.

The purpose of this information is to provide notification to you that he/she is staying in the area and has a past history of **OFFENSE DESCRIPTION**. This letter is intended to be a general deterrent for the offender and is a program requirement. Fulfilling responsibilities such as this one are an essential part of an offender's treatment while in the community.

The offender bringing this letter is fully aware of its contents and is prepared to discuss any issues you feel are necessary to his/her safe conduct in your jurisdiction. We encourage you to ask the offender a little more about himself/herself if he/she does not offer to do so. We would also appreciate your signing and dating this letter so this offender can verify that he/she has fulfilled his/her responsibility when he/she returns to Vermont.

Please feel free to telephone our office if you have any questions regarding this procedure.

Sincerely,

Probation and Parole Officer
(And address and phone number of PO)

Name of Law Enforcement Official (please print):_____

Signature of Law Enforcement Official:_____

Position & Agency:_____

Address:_____

Telephone Number:_____ Date Signed:_____

CC: Offender File